

# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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## **FACSIMILE COVER SHEET**

FEB 27 2007

Deliver to: Tran, Phuc H., USPTO Art Group: 2616  
Facsimile No.: (571) 273-8300 Date: February 27, 2007  
From: Joseph Lutz, Reg. No. 43,765  
Our Docket No.: 42390P13004 Number of pages 19 including this sheet.  
Application No.: 10/085,661 Filing Date: 2/26/2002  
Packet Due Date(s): 2/28/2007

Enclosed are the following documents:

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

*I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.*

Annie McNally 2/27/2007  
*[Signature]* Date

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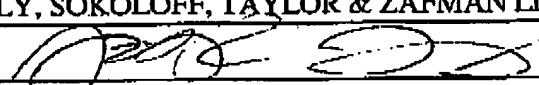
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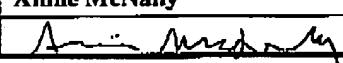
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	10/085.661
		Filing Date	February 26, 2002
		First Named Inventor	Kelan C. Silvester
		Art Unit	2616
		Examiner Name	Tran, Phuc H.
Total Number of Pages in This Submission	18	Attorney Docket Number	42390P13004

<b>ENCLOSURES (check all that apply)</b>			
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>	
		Remarks	

<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>	
Firm or Individual name	Joseph Lutz, Reg. No. 43,765  BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	February 27, 2007

<b>CERTIFICATE OF MAILING/TRANSMISSION</b>	
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Typed or printed name	Annie McNally
Signature	
Date	02/27/2007

Based on PTO/SB/21 (09-04) as modified by Blakely, Sokoloff, Taylor & Zafman (revised 10/12/2006).  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEB 27 2007

## FEE TRANSMITTAL for FY 2006

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

Complete If Known	
Application Number	10/085,661
Filing Date	February 26, 2002
First Named Inventor	Kelan C. Silvester
Examiner Name	Tran, Phuc H.
Art Unit	2616
Attorney Docket No.	42390P13004

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  None  Other (please identify): Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments Charge fee(s) indicated below, except for the filing fee Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged. Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

## FEE CALCULATION

## 1. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
36	39* = 0	50.00 =	\$0.00
6	6* = 0	200.00 =	\$0.00
Multiple Dependent			

## Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
1202	50	2202 25 Claims in excess of 20
1201	200	2201 100 Independent claims in excess of 3
1203	350	2203 180 Multiple Dependent claim, if not paid
1204	790	2204 305 **Release independent claims over original patent
1205	300	2205 150 **Release claims in excess of 20 and over original patent
SUBTOTAL (1)		(\$)
		0.00

\*or number previously paid, if greater. For Reissues, see below

## 2. ADDITIONAL FEES

## Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
1051	130	2051 65 Surcharge - late filing fee or oath
1052	60	2052 25 Surcharge - late provisional filing fee or cover sheet
2053	130	2053 130 Non-English specification
1251	120	2251 60 Extension for reply within first month
1252	450	2252 225 Extension for reply within second month
1253	1,020	2253 610 Extension for reply within third month
1254	1,590	2254 785 Extension for reply within fourth month
1255	2,160	2255 1,080 Extension for reply within fifth month
1401	600	2401 250 Notice of Appeal
1402	500	2402 250 Filing a brief in support of an appeal
1403	1,000	2403 500 Request for oral hearing
1451	1,610	2451 1,610 Petition to institute a public use proceeding
1480	130	2480 130 Petitions to the Commissioner
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)
1808	180	1806 180 Submission of Information Disclosure Stmt
1809	790	1909 395 Filing a submission after final rejection (37 CFR § 1.129(a))
1810	790	2810 395 For each additional invention to be examined (37 CFR § 1.128(b))
Other fee (specify)		
SUBTOTAL (2)		(\$)

## Fee Paid

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Joseph Lutz	Registration No. (Attorney/Agent)	43,765	Telephone	(310) 207-3800
Signature				Date	02/27/07

Based on PTO/SB/17 (02-07) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 02/28/2007.  
SEND TO: Commissioner for Patents, P.O. Box 4000, Alexandria, VA 22313-1450

FEB 27 2007

# FEE TRANSMITTAL for FY 2006

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

## Complete If Known

Application Number	10/085,661
Filing Date	February 26, 2002
First Named Inventor	Kelan C. Silvester
Examiner Name	Tran, Phuc H.
Art Unit	2616
Attorney Docket No.	42390P13004

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Credit any overpayments
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	<input checked="" type="checkbox"/> Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.	

## FEE CALCULATION

## 1. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
38	38	0 x 50.00	\$0.00
Independent Claims	6	0 x 200.00	\$0.00
Multiple Dependent			

Large Entity		Small Entity	
Fee Code	Fee (\$)	Fee Code	Fee Description
1202	50	2202	25 Claims in excess of 20
1201	200	2201	100 Independent claims in excess of 3
1203	380	2203	180 Multiple Dependent claim, if not paid
1204	730	2204	355 **Release Independent claims over original patent
1205	300	2205	150 **Release claims in excess of 20 and over original patent
SUBTOTAL (1)		(5)	0.00

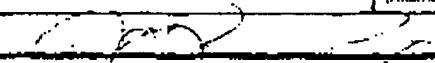
\*or number previously paid. If greater, For Reissues, see below

## 2. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	
1061	130	2051	65 Surcharge - late filing fee or oath
1062	50	2052	25 Surcharge - late provisional filing fee or cover sheet
2063	130	2053	130 Non-English specification
1251	120	2251	60 Extension for reply within first month
1252	450	2252	225 Extension for reply within second month
1263	1,020	2263	510 Extension for reply within third month
1254	1,580	2254	795 Extension for reply within fourth month
1255	2,150	2255	1,020 Extension for reply within fifth month
1401	500	2401	250 Notice of Appeal
1402	600	2402	250 Filing a brief in support of an appeal
1403	1,000	2403	500 Request for oral hearing
1481	1,610	2451	1,610 Petition to institute a public use proceeding
1480	130	2480	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1808	180	1806	180 Submission of Information Disclosure Stmt
1809	780	1809	395 Filing a submission after final rejection (37 CFR § 1.129(a))
1810	790	2910	395 For each additional invention to be examined (37 CFR § 1.129(b))
Other fee (specify)		SUBTOTAL (2)	(5)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Joseph Lutz	Registration No. (Attorney/Agent)	43,765	Telephone	(310) 207-3800
Signature				Date	02/27/07

Based on PTO/SB/17 (02-07) as modified by Blakely, Sokoloff, Taylor & Zafman (wir) 02/28/2007.  
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Our Ref. No.: 42390P13004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for: )  
SILVESTER, Kelan C. ) Examiner: Tran, Phuc H.  
Application No. 10/085,661 ) Art Group: 2616  
Filed: February 26, 2002 )  
For: APPARATUS AND METHOD FOR AN )  
AUDIO CHANNEL SWITCHING )  
WIRELESS DEVICE )

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AMENDMENT AND RESPONSE TO OFFICE ACTION

Mail Stop Amendment  
Commissioner for Patents  
P. O. 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed November 29, 2006, Applicant submits the amendments and remarks that follows.